

Message Text

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PAGE 01 TOKYO 09204 230744Z

ACTION EUR-12

INFO OCT-01 EA-10 ISO-00 AID-05 CEA-01 CIAE-00 COME-00

EB-08 FRB-03 INR-10 IO-13 NEA-11 NSAE-00 ICA-11

OPIC-03 SP-02 TRSE-00 LAB-04 SIL-01 AGRE-00

OMB-01 SS-15 /111 W

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 8131

AMEMBASSY PARIS

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USOECD

E.O. 11652: NA

TAGS: EIND, ETRD, JA, US

SUBJECT: JAPANESE ANTITRUST INVESTIGATION OF JOINT

VENTURE BETWEEN CATERPILLAR OVERSEAS SA AND MITSUBISHI

HEAVY INDUSTRIES

1. FOLLOWING IS TEXT OF LETTER RECEIVED BY EMBASSY
MAY 22 FROM THE JAPANESE FOREIGN MINISTRY STATING THE
INTENTION OF THE JAPANESE FAIR TRADE COMMISSION TO
INVESTIGATE THE JOINT VENTURE CONTRACT BETWEEN CATERPILLAR
OVERSEAS S.A. AND MITSUBISHI HEAVY INDUSTRIES CO.

2. BEGIN TEXT: MAY 18, 1978

(PARA) I RECEIVED THE FOLLOWING INFORMATION FROM THE
FAIR TRADE COMMISSION OF JAPAN AND I WOULD LIKE TO SEND
IT TO THE ANTITRUST AUTHORITIES IN THE UNITED STATES VIA
YOUR EMBASSY, IN ACCORDANCE WITH THE OECD RECOMMENDATION
C(67)53 CONCERNING CO-OPERATION BETWEEN MEMBER COUNTRIES
ON RESTRICTIVE BUSINESS PRACTICES AFFECTING INTERNATIONAL
TRADE.

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PAGE 02 TOKYO 09204 230744Z

(PARA) THE FAIR TRADE COMMISSION IS CONDUCTING INVESTI-
GATIONS INTO THE JOINT VENTURE CONTRACT BETWEEN CATER-
PILLAR OVERSEAS S.A. AND MITSUBISHI HEAVY INDUSTRIES
CO., AND THE LICENSING AGREEMENT BETWEEN CATERPILLAR
TRACTOR CO. AND CATERPILLAR-MITSUBISHI CO.

(PARA) THE FAIR TRADE COMMISSION BELIEVES THAT THESE AGREEMENTS INVOLVE PROVISIONS WHICH MAY FORM UNFAIR BUSINESS PRACTICES, THUS VIOLATING PARAGRAPH 1, SECTION 6 OF THE ACT CONCERNING PROHIBITION OF PRIVATE MONOPOLY AND MAINTENANCE OF FAIR TRADE (ANTIMONOPOLY ACT).

(PARA) IF I CAN BE OF ANY FURTHER ASSISTANCE, PLEASE DO NOT HESITATE TO CONTACT ME. YOURS SINCERELY,
SIGNED N. OWADA, NORIAKI OWADA, DIRECTOR OF THE SECOND INTERNATIONAL ORGANIZATIONS DIVISION, ECONOMIC AFFAIRS BUREAU, MINISTRY OF FOREIGN AFFAIRS. END TEXT.

MANSFIELD

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NNN

Message Attributes

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